REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 3-4, 6-7, 11, 13, 53-66, 105, and 114-115 are canceled. Claims 15-52, 67-104, and 106-108 were withdrawn by the Examiner. Claims 1-2, 5, 8-10, 12, 14, 109-114, and 116-123 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Applicants express appreciation to Examiner Hewitt for the telephone interview held on November 16, 2006 and subsequent telephone conference held on December 4, 2006 regarding the informality rejection set out below.

In the Office Action, claims 1-2, 8-10, 12, 14, 109-114, and 116-123 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 8, 111, 116, and 123 have been amended in the manner proposed during the December 4, 2006 telephone conference. It is therefore submitted that claims 1-2, 8-10, 12, 14, 109-114, and 116-123 are in full compliance with the requirements of 35 U.S.C. § 112, second paragraph.

Regarding the art rejection, claims 1-2, 8-10, 12, 14, 109-114, and 116-123 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Krishnan (U.S. Patent No. 6,073,124) in view of Shinn (U.S. Patent No. 6,655,585). Applicants submit that the claims are patentably distinguishable over the cited references.

The Examiner acknowledges that Krishnan does not teach with using biometrics to authenticate a transaction at a user terminal and therefore relies on Shinn for such a teaching. Shinn, however, merely describes carrying out signature verification of a credit card transaction using a pressure sensitive tablet (see col.8 ll.20-25) and carrying out automatic authentication of a smart card user using a reader device or

using an application stored on the smart card to match a user-provided biometric sample to a biometric sample stored on the smart card (see Fig.8, col.3 ll.25-31, col.4 ll.1-6 and 17-19, and col.10 ll.1-13). Shinn does not disclose or suggest that if the user-provided biometric sample substantially matches the stored biometric sample, the reader device _automatically transmits_ over a network to a provider. Also, Shinn does not disclose or suggest that if the user-provided biometric sample substantially matches the stored biometric sample, the reader device transmits _a verification signal_. Hence, Shinn neither discloses nor suggests _automatically transmitting_ from the reader device over a network to a provider, if the provided biometric sample substantially matches the stored biometric sample, each of a credit card number, personal information needed to complete the transaction, and _a verification signal_.

Moreover, Krishnan describes a transaction in which a customer computer transmits a method of payment to a licensing and purchasing server, and _then the licensing and purchasing server_ authorizes the payment method _using a payment processing clearinghouse_. Namely, the customer computer transmits the method of payment _before authorization is carried out_, and because authorization is not carried out at the customer computer, the customer computer _does not send_ a verification signal to the licensing and purchasing server. (See Figs.3 and 4, and col.10 ll.2-8.) Krishnan therefore does not disclose or suggest _automatically transmitting from a customer computer_ over a network to a licensing and purchasing server, each of a credit card number, personal information needed to complete the transaction, and _a verification signal_.

Therefore, the cited art does not disclose or suggest:

automatically transmitting from said communication device over said network to said provider, if said generated unique identification trait substantially matches said stored unique

24

identification trait, each of said credit card number,
said personal information needed to complete said
transaction, and *a verification signal* indicating that
said generated unique identification trait and said
stored unique identification trait substantially match

as set out in claim 1. (Emphasis added.)

It follows that neither Krishnan nor Shinn, whether
taken alone or in combination, discloses or suggests the method
defined in claim 1, and therefore claim 1 is patentably distinct
and unobvious over the cited references.

Independent claims 8, 111, 116, and 123 each include
limitations similar to those of the above excerpt of claim 1.
Therefore, Claims 8 111, 116, and 123 are each patentably
distinguishable over the cited references for at least the same
reasons.

Claims 2, 5, 10, 12, 14 and 109 depend from claim 1,
claim 9 and 110 depend from claim 8, claims 112-113 and 118-121
depend from claim 111, and claims 117 and 122 depend from
claim 116. Therefore, each of these claims is distinguishable
over the cited art for at least the same reasons as its parent
claim.

Accordingly, the withdrawal of the rejections under 35
U.S.C. §§ 103 and 112, second paragraph, are respectfully
requested.

In view of the above, each of the presently pending
claims in this application is believed to be in immediate
condition for allowance. Accordingly, the Examiner is
respectfully requested to withdraw the outstanding rejection of
the claims and to pass this application to issue. If, however,
for any reason the Examiner does not believe that such action
can be taken at this time, it is respectfully requested that the
Examiner telephone applicant's attorney at (908) 654-5000 in
order to overcome any additional objections which the Examiner
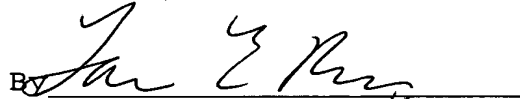
might have.

      If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 14, 2006   Respectfully submitted,

By _____

Lawrence E. Russ
  Registration No.: 35,342
LERNER, DAVID, LITTENBERG,
  KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

715382_1.DOC